

Assembly Bill No. 1775

CHAPTER 500

An act to add Section 40459 to the Health and Safety Code, relating to air pollution.

[Approved by Governor September 17, 2000. Filed
with Secretary of State September 19, 2000.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1775, Lowenthal. Petroleum coke dust.

(1) Existing law requires the State Air Resources Board to monitor air pollutants in cooperation with the county air pollution districts, the air quality management districts, and other agencies in order to control air pollution.

This bill would require the operator of any facility within the Port of Los Angeles or the Port of Long Beach to comply with certain requirements regarding the management of petroleum coke, as provided in specified rules of the South Coast Air Quality Management District by January 1, 2001, except as specified. The bill would require the facility operators at the Port of Los Angeles and the Port of Long Beach to also enclose or replace specified equipment by January 1, 2002, and January 1, 2004, respectively. Because a violation of those rules and requirements would be a crime, the bill would impose a state-mandated local program.

The bill would require the district, in conjunction with the state board, to annually submit a study to the Legislature that examines the violations of the district's rules regarding petroleum coke.

The bill would require the south coast district to monitor the size of the outdoor ready pile at the Port of Los Angeles to ensure compliance with a specified 50,000 metric ton limit, until that pile is enclosed.

The south coast district would be required, by January 1, 2003, to maintain a program to monitor particulates within the Port of Los Angeles and the Port of Long Beach and to assess prevalent coke particulates and improvements in air quality.

The bill would impose a state-mandated local program by imposing new duties upon a local air district.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for specified reasons.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

(a) California law provides for the measurement of the level of carcinogens in the air and water and requires that notice be given to the public regarding the level of various toxic pollutants in the air.

(b) Petroleum coke is material produced in the oil-refining process that is exported widely to Asia as an alternative energy source.

(c) The purpose of this act is to reduce the emission of airborne particulate matter from the storage, handling, and transportation of petroleum coke.

SEC. 2. Section 40459 is added to the Health and Safety Code, to read:

40459. (a) (1) Except as provided in paragraph (4), on or before January 1, 2001, the operator of any facility within either the Port of Los Angeles or the Port of Long Beach that stores, handles, or transports petroleum coke and is subject to the enclosed storage pile deadlines of Rule 1158 shall comply with the enclosure requirement of Rule 1158.

(2) Except as provided in paragraph (4), on or before January 1, 2002, the facility operator at the Port of Los Angeles shall enclose the ready pile referenced in subparagraph (k)(10) of Rule 1158.

(3) On or before January 1, 2004, the facility operator at the Port of Long Beach shall discontinue the use of, or replace the shiploader referenced in subparagraph (k)(6) of Rule 1158.

(4) Notwithstanding paragraphs (1) and (2), if the construction of additional enclosed storage within the Port of Los Angeles is commenced on or before April 1, 2001, the facility operator is not required to comply with subparagraph (k)(10) of Rule 1158 until April 1, 2002.

For purposes of this paragraph, “construction of additional enclosed storage” means any storage enclosure for which the south coast district issues a permit to construct on or after January 1, 2001, but before April 1, 2001, and construction begins on or before April 1, 2001.

(b) The south coast district, in conjunction with the state board, shall annually submit a study to the Legislature that examines the frequency and severity of violations of south coast district rules related to the storage, transportation, and handling of petroleum coke.

(c) Until the facility operator at the Port of Los Angeles encloses the outdoor ready pile, as specified in paragraph (2) of subdivision (a), the south coast district shall monitor the size of that ready pile to ensure compliance with the 50,000 metric ton limit requirement in that facility’s March 31, 1999, Rule 1158 interim storage plan.

(d) On and after January 1, 2003, the south coast district shall maintain a program to monitor particulates within the Port of Los Angeles and the Port of Long Beach and shall assess prevalent coke particulates and improvements in air quality.

(e) For purposes of this section, “Rule 1158” means the rule adopted by the south coast district on December 2, 1983, and amended June 11, 1999, pursuant to this chapter. Any terms used in this section and in Rule 1158 shall have the same meaning as provided in Rule 1158.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because in that regard this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

In addition, no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

